UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1997/789
13 October 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 12 OCTOBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith a letter dated 12 October 1997 from Mr. Tariq Aziz, Deputy Prime Minister, together with an unofficial translation in English, concerning relations with the Special Commission.

I should be grateful if you would have my letter and its annex, the letter from the Deputy Prime Minister, circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

Letter dated 12 October 1997 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

Although six and a half years have elapsed since the inception of the implementation of the requirements of section C of Security Council resolution 687 (1991), the work of the Special Commission in this respect is still going on. There is no clear prospect for the date on which the Special Commission will present its report stating the completion of its tasks in accordance with section C of resolution 687 (1991), and accordingly there is no clear prospect for the implementation of paragraph 22 of that resolution.

In its previous reports and in the latest one (S/1997/774), the Special Commission laid the blame on Iraq and accused it of delaying the submission of full declarations in accordance with the requirements of paragraph 9 (a) of resolution 687 (1991), obstructing the work of the Special Commission concealing weapons, equipment and documents, together with other well-known accusations. But the Special Commission ignores, in those reports, the policy and methods it pursued over this long period that greatly contributed to this delay - which is, in essence, a deliberate political approach aimed at maintaining the embargo on Iraq.

In this letter, I should like to clarify to the Council, some very important issues related to the Special Commission's composition, its methods of work and the truth of its accusations directed against the Iraqi side as contained in its latest report.

I. THE COMPOSITION OF THE SPECIAL COMMISSION

The composition of the Special Commission on the one hand, and its methods of work and powers on the other, were all established in 1991. The whole world knows that the United States of America, in that year and for a period after that, was putting great pressure on the Security Council. There was no opportunity to deal seriously with Iraq's issues in a fair and balanced manner.

It is also known that the United States in particular, together with Britain, were doing their utmost, by word and by deed, to topple the national government of Iraq and to eliminate its national leadership.

Those circumstances seriously affected the composition of the Special Commission, its methods of work in that period and during the entire subsequent period, and the manner of selecting the individuals entrusted with the tasks of the Special Commission both at the Commission's headquarters and in Iraq. Here are some facts concerning this subject:

1. The United States, leading the hostile work against Iraq, has held, since 1991 up to now, the office of Deputy Executive Chairman of the Special Commission.

2. The number of American and British senior personnel working at the headquarters of the Special Commission, at the Baghdad Monitoring and Verification Centre and with the inspection teams conducting inspections in Iraq, is very large, to the extent that renders an activity which is supposed to be international and neutral unbalanced. In fact, most of the problems alleged by the Special Commission during the inspections occurred, except for a few cases, when the chief inspectors were American. The most recent problems cited by the Executive Chairman, in his latest report, happened to the inspection team headed by the American officer Scott Ritter. Scott Ritter himself was the chief inspector of the team which created the problems during last June that led to the adoption of Security Council resolution 1115 (1997) and the presidential statement of 13 June 1997. I remind you of my letter to the Council dated 15 June 1997 (S/1997/465).

II. THE INFORMATION SOURCES OF THE SPECIAL COMMISSION

The United States monopolizes the intelligence means on which the Special Commission depends for its aerial information, particularly the U-2 plane. Most of the inspections conducted by the American officer, Scott Ritter, were implemented under the pretext of the existence of photographs taken by this American plane of vehicle movement! We have requested many times that this means be substituted by the use of an Iraqi plane to be put fully at the disposal of the Special Commission, or by use of a plane from a neutral State that has no special objectives vis-à-vis Iraq, which would operate within Iraqi territory or from the territory of a neutral State that has no special objectives with regard to Iraq. All these legitimate requests were ignored by the Special Commission.

III. THE SPECIAL COMMISSION'S METHODS OF WORK

Over the past years, Iraq has been complaining about the forensic methods very widely adopted by the Special Commission in its work, to the exclusion of the scientific and technical methods internationally used in the matters of disarmament and verification and about the Commission's lack of neutrality and objectivity by which it should be distinguished as an organ working in the name of the United Nations.

The justifications presented by the Special Commission for its forensic methods, including the intrusive inspections widely carried out by the Commission, particularly in 1996 and 1997, are, it alleges, deliberate concealment or incomplete information provided by the Iraqi side.

A. Concealment

In June 1995, the former Executive Chairman submitted a report to the Council in which he confirmed the fulfilment of the essential requirements in the missile and chemical fields. He also confirmed that the monitoring system was effectively operational. For its part, IAEA submitted a similar report.

After the defection of Hussein Kamil from Iraq in August 1995, the Special Commission publicized the issue of concealment undertaken by Hussein Kamil. It claimed and still claims that there is a "mechanism" which administered and still administers this "concealment". The Special Commission has ignored basic facts concerning this issue, the most important of which is that the Iraqi authorities themselves discovered the documents and materials which Hussein Kamil concealed, and they voluntarily handed them over to the Special Commission and IAEA. What was discovered after August 1995 did not add anything of substance to the aspect related to disarmament.

Therefore, the material balance which the Special Commission reached in its report submitted to the Security Council in June 1995 did not fundamentally change in the missile and chemical fields, or in the nuclear sphere. The results of the examination of missile engines and of the verification of the destruction of launchers, as contained in the latest report of the Special Commission, have confirmed this fact in the missile field. I should recall that the Special Commission, a year ago, raised suspicions of the possible concealment by Iraq of an "operational missile force". The Executive Chairman was making statements referring to some numbers (6 to 16 and later 15 to 25 missiles). Finally it appeared that the sources of information of the Special Commission were wrong, rather tendentious and that the data and information provided by the Iraqi side were correct. The missiles were destroyed and buried and the launchers were destroyed as well. The conclusion reached by the Special Commission about this issue was not achieved by the forensic method exercised by the inspection teams, which conducted many intrusive inspections during 1996 and 1997 - which led to problems and crises with the Special Commission, causing the Security Council to deal harshly with Iraq - but rather, the result was achieved through "objective, scientific and technical" methods of work. The Executive Chairman referred to this approach in paragraph 143 of his latest report (S/1997/774), which reads: "In its verification process, the Commission has resorted, in some cases, to technical analyses of proscribed material conducted outside Iraq. The laboratory analyses of the missile remnants, conducted in France, the Russian Federation and the United States during 1997, constituted a good example of the fact that, <u>when Iraq allows the Commission to carry out such technical evaluation, positive results can be achieved. This approach could also produce positive results if applied to other issues requiring clarification</u>." Indeed, it was I who proposed to the former Executive Chairman in October 1996 to address the doubts about the missiles through this approach, and not the Special Commission. He agreed to this, but a deliberate prolongation occurred owing to the insistence of the former Executive Chairman on the removal of the missile remnants to one country (the United States) to be examined there. Arriving at a balanced agreement on the examination of the missile remnants took several months. Finally, when the results of the examination appeared, it became clear that the analysis could have been conducted in Iraq in accordance with what we initially proposed, and the time it took could have been reduced. This is another example of the Commission's basic responsibility for the delay.

With regard to the alleged concealment, I would like to give some examples of the behaviour of the chief inspectors:

1. During the inspections conducted by Scott Ritter and by another inspector before him, the inspector claimed that he had photographs taken by a U-2 plane of vehicle movement which took place at a certain date at the site designated for inspection. He also claimed that the vehicles were carrying proscribed materials and that they moved from the site to another location upon the arrival of the inspection team. When we asked him to show us the photographs in order to present the necessary clarifications he refused to do so. He requested us to give clarifications of an unknown occurrence. This, of course, was not possible. This was exploited in order to continue the intrusive inspections, and ask questions and conduct interviews, particularly with officials in the security services. In one case, in 1996, Scott Ritter said that the moving vehicles were carrying something like missiles. It had been proved that the alleged missiles had been destroyed and buried. Was it logical, then, to have loaded the missiles on vehicles in an exposed manner, without any cover, so that the U-2 plane could photograph them?

In many documented cases, we were able to prove that the claims of the Commission's inspectors were inaccurate. For example, the officer, Scott Ritter, and inspector Smidovic insisted, in 1992, that they had evidence that Iraq's declaration concerning the launchers was not credible. They claimed that they had aerial photographs proving that the coalition forces had destroyed a Russian launcher in the western region of Iraq and one of the British Desert Rats had smelled the oxidizer when the launcher was destroyed as he was nearby. The Iraqi side, having been provided with the information by the inspectors on the coordinates of the alleged location, was able to prove that the information was incorrect and that the vehicle destroyed at that location was not a missile launcher but a Roland launcher.

B. Information and documents

It is in Iraq's interest to provide the Special Commission with the information and documents supporting its declarations. When the Special Commission says that Iraq does not provide it with full information, it really exaggerates, and often diverges from the truth. The Special Commission deliberately ignores objective facts when we way in some cases that documents do not exist: the Iraqi authorities concerned with the proscribed weapons under resolution 687 (1991) did not expect to be subjected to inquiries by an international body about every minute detail of their activities. This is why some activities were never documented. And the documentation of activities was carried out for the purposes of the work of those authorities, not in order to convince a specialized international body.

Nevertheless, Iraq provided the Special Commission with a huge amount of the existing documents, much of which is seen as first-class documents that can settle the issue in question. But the inspectors of the Special Commission do not view these documents as conclusive and demand more. For example, the relevant Iraqi authorities submitted a document dated 15 January 1991 written by the Director-General of the Technical Research Centre, which was responsible for the production of the biological agents in the Al-Hakam plant, and addressed to his superior, Hussein Kamil. In the document he stated the quantities of the biological agents. But Dr. Sperzel, who is responsible for the biological file,

does not consider this document enough to settle the issue of the production of such agents, and demands more documents!

The other example is what the Executive Chairman cited in paragraph 42 of his latest report about one document. What he termed a "document" is not a document, but rather a personal diary of an officer in the missile service, of which several pages were handed over to the chief inspector of team 133, Dr. Sperzel, on 16 January 1996. The chief inspector did not ask him, at the time, to hand over the whole diary and did not ask the officer to keep it for future reference. About one and a half years later, on 24 July 1997, they came to ask for the diary. The question is, what is the connection between the personal diary of an officer and the issue of disarmament, particularly since the officer concerned is an officer in the missile service, the area which has been wholly clarified? Nevertheless, the Special Commission makes this an issue which is mentioned in the Executive Chairman's report to the Security Council!

C. Other deliberate methods for procrastination

After verification of the destruction of the missile engines and launchers, the Special Commission began to concern itself with minor issues and requested "a fuller explanation and understanding of Iraq's actions to retain launchers for a period after the adoption of resolution 687 (1991) and to conceal the events and timing of their ... destruction" (see paras. 28, 29 and 30 of the Commission's report (S/1997/774)).

Hence, the Special Commission asks us for explanations and clarifications, and conducts inspections and interviews when it has doubts that a number of launchers may have been concealed. However, the Commission, having verified that the launchers have been destroyed, continues to demand a full explanation why we did not mention at the time that some launchers were destroyed in October 1991 and not in July 1991. Then it proceeds on that basis to make other assumptions. In paragraph 29, the report stated that I ordered the Iraqi experts not to discuss such issues with the Commission. This is true. The Commission had already inquired about this subject and we replied. But the Commission, as usual, was not content with our response. As the Executive Chairman himself admitted in paragraph 119, the Commission, by raising such a subject, which is irrelevant to the material balance of weapons, wanted to open the door to further interviews and demands for documents, and perhaps conduct further inspections. My position on the subject was to put an end to this deliberate prolongation of matters which are not of substance. We ask the following question: What does the Commission seek from this demand? The launchers have been destroyed and their destruction has been verified. What is the difference, whether they were destroyed in July or in October 1991? Did the Security Council give Iraq something after July 1991, and now it wants to take it back when it is proved that the destruction was carried out in October and not in July? The approach in dealing with this case applies to all similar cases. The Commission raises many similar questions. It conducts a long chain of verifications on this or that date, but fails to verify the correctness of events related to the destruction of the proscribed weapons. The fact that the Security Council has not yet taken any action to alleviate the embargo on Iraq does not give the Commission and the Security Council the right to hold Iraq accountable for the date of compliance!

IV. THE METHODOLOGY OF THE SPECIAL COMMISSION'S REPORTS

The Special Commission has pursued a tendentious method in submitting its biannual reports to the Council. The best example of this is the report of the former Executive Chairman, Mr. Rolf Ekéus, of April 1997 (S/1997/301) and the latest report of Mr. Butler, of October 1997 (S/1997/774).

In these two reports, the Special Commission gives a historical background covering all the areas of its work (the missile, chemical and biological fields, monitoring and relations with Iraq). Every time, it goes back to the events of 1991 - since which six years have elapsed - and to other past incidents, many of which have been resolved. The presentation covers the bulk of the particular section. In the end of the section, and in only few lines, the Special Commission presents the final summaries of its work during the reporting period. This method is intended to confuse the past with what has been newly achieved, in a manner that makes it difficult for the reader to differentiate between the positive and the negative aspects, regardless of the correctness of the reports on the past events. Many of those reports are tendentious or inaccurate.

I have talked with Mr. Richard Butler about this method followed in the report of April 1997 and I requested him to focus in his forthcoming report on the period that it covers (April-October 1997). He promised to do so, but the new report was written in the same manner as the previous one.

There is another important observation on the latest two reports:

In the report of April 1997 submitted by Mr. Ekéus to the Council, while the Commission was propagating claims that there was "an operational missile force", Mr. Ekéus stated in paragraphs 46 and 47 of the report the following:

> Paragraph 46. "The accumulated effect of the work that has been accomplished over six years since the ceasefire went into effect, between Iraq and the Coalition, is such that not much is unknown about Iraq's retained proscribed weapons capabilities."
>
> Paragraph 47. "However, what is still not accounted for cannot be neglected. Even a limited inventory of long-range missiles would be a source of deep concern if those missiles were fitted with warheads filled with the most deadly of chemical nerve agents, VX. If one single missile warhead were filled with the biological warfare agent, Anthrax, many millions of lethal doses could be spread in an attack on any city in the region. With that in mind, the Special Commission has undertaken extraordinary efforts to bring to a satisfactory conclusion the full accounting for Iraq's weapons of mass destruction and long-range missiles, in order to be able to make sure that all the proscribed items have been disposed of."

We understand at least two points from the report of Mr. Ekéus:

1. What remains unknown about Iraq's past programmes is not much!

2. There is the assumption that there are missiles which could be used in presumed acts of war.

The report of October 1997 does not mention the volume of what remained, or whether the "not much" has become less! The method by which the latest report is presented clouds this issue.

The new report does not make it clear that the results which the Commission obtained from the analysis of the missile engines and its verification of the destruction of the launchers negate the possible existence of missiles that could be used in acts of war, as the former Executive Chairman presumed in April 1997.

Thus, the essential facts of the situation are lost. The Security Council and the international community are being deliberately misled with a view to fostering baseless suspicions about Iraq's capabilities in terms of the weapons proscribed under resolution 687 (1991).

However, this report, which covers the period from April to October 1997, clearly records in its conclusions that significant progress has been achieved in a number of important areas. Therefore this progress should have been connected with the conclusion contained in paragraphs 46 and 47 of the report of April so as to make it absolutely clear that the small area of the unknown has clearly become significantly less and that the dangerous possibilities alleged by Mr. Ekéus no longer exist.

V. THE SUBSTANTIAL AND MINOR ASPECTS OF THE WEAPONS FILE

It is known in the military industry and in disarmament that verification of the non-existence of a particular weapon is achieved primarily through making sure of the non-existence of key parts of that weapon without which the other parts cannot constitute a weapon.

In the three files of weapons (missiles, chemical and biological), there are key parts and other parts which have no consequence even if their destruction has not been fully verified.

In the missile area, any part has no operational value in the absence of the engine. If we add to this the lack of the launcher, all other parts of the missile have no operational value.

I cite this fact because of the special regard paid to the issue of "the warheads" (particularly the special warheads), by the Special Commission in its latest report.

The Special Commission knows that all the different types of special warheads were destroyed in 1991. And it verified this in 1992 by such means as documents, interviews and accounting for the remnants of the destruction. It did not request us at the time to preserve the remnants. The subject was considered as closed in the report submitted by the Special Commission in June 1995. Those remnants were left at the time in open areas and were exposed

to various actions, including excavation by some individuals searching for scrap. After August 1995, nothing new appeared in this area, except for a number of the warheads which were all previously declared as chemical, but were actually filled with biological materials.

However, the Special Commission demanded in 1997 that the warhead remnants be re-counted and that their destruction again be verified.

Now, after all these years, we have to prove to the Special Commission anew the material balance of these warheads through the excavation of the remnants. To this end, the following actions have been carried out:

1. Excavations began on 11 August 1997 and are still in progress.

2. The work of recovering the remnants of the warheads was supervised by the monitoring groups, MG-13 and MG-14 and the inspection team UNSCOM-204. UNSCOM-205 also held detailed discussions on the recovery of those parts over the period 18-26 August 1997.

The way in which the Special Commission addressed this issue gives another example of deliberate foot-dragging.

The warheads, whether conventional, biological or chemical, have no military operational value in the absence of the missile and its delivery means, the non-existence of which was confirmed through the verification of the destruction of the engines and launchers. So shall we wait for months to account for those warheads in order that the Security Council know that the requirements of section C of resolution 687 (1991) in the missile area have been fulfilled?

In paragraph 145, the Executive Chairman talks about the possibility of moving certain residual aspects to the realm of long-term monitoring after the completion of disarmament, but he says that it is up to the Council to decide upon this subject, although the Special Commission should express its views and recommendations on the subject on the basis of scientific and industrial considerations. Objectively, the issue of the special warheads and many other issues that the Commission considers as outstanding are not within the framework of disarmament, which has been achieved in all areas (missiles, chemical, biological and nuclear) and can be followed up in future within the framework of the monitoring system without delaying the implementation of paragraph 22.

To mix up the major with the minor, and the disarmament stage with the ongoing monitoring stage in addressing the details of the proscribed-weapons files, is deliberately aimed at delaying the implementation of paragraph 22 of resolution 687 (1991).

VI. THE SCIENTIFIC EVALUATION AND THE FORENSIC EVALUATION

What chemical and biological agents have been produced in Iraq are known to the Special Commission. The scientists and specialized industrialists know their types and specifications. So far, there has been a discrepancy between

Iraq's views and those of the Special Commission on the production of the chemical VX and the biological agent anthrax. While we assured the Special Commission that we had not achieved a production of military significance of VX, the Special Commission claims otherwise. We have proposed to settle the issue of VX in a scientific manner by holding seminars for the specialists, scientists and industrialists; and to address the issue of anthrax by the same approach.

With regard to other chemical activities, there is nothing of importance which remains unknown to the Commission. This has been confirmed by the Commission itself in its report of April 1997.

Although the Commission's assessment of the declaration containing our full, final and complete disclosure in the biological area submitted on 11 September 1997 was, in our view, unjustifiably negative, we notice that the panel of experts drawn from 13 Member States has assessed, in its conclusions, that in 1990 the programme was immature and still in the process of further planned expansion and development. That being the case, and since it is known that the programme has been terminated and the Al-Hakam facility has been wholly destroyed, what does the Special Commission seek by keeping the biological programme in the picture as if it still poses a threat to the security of the region?

The Special Commission is talking about weapons and biological agents that are still concealed. It behaves towards this as if we are still in 1991. It continues its inspection and requests documents and interviews with relevant and irrelevant persons in a manner that takes a long time, although it is fully aware that these agents, whether or not loaded in munitions, are no longer considered a weapon even if we suppose for the sake of argument that they still exist. The experts of the Special Commission are fully aware of the circumstances of the production, loading and storage of those agents. After the destruction of all equipment related to their production, and under the conditions of comprehensive and strict monitoring, Iraq is in no position to produce them again.

This is another example of deliberate delay in addressing the requirements of section C of resolution 687 (1991), and of the procedures adopted by the Special Commission under the influence of the powers dominating its work and conclusions with a view to delaying the implementation of paragraph 22 of resolution 687 (1991).

The foregoing clearly indicates the fundamental role played by the Special Commission in delaying fulfilment of the requirements of section C of resolution 687 (1991) and prolonging the unjust embargo imposed on Iraq. The basic reasons behind this are political, and not other reasons as the Special Commission claims in its report.

It is high time to work seriously to put an end to this situation and to take accelerated steps towards closing the files on which the work took more than six years and a half.

It is necessary and fair that the Special Commission work very quickly to move what remains in the missile and chemical areas, as it says, to the ongoing

monitoring stage, and to consider what has been achieved in these two areas sufficient for the requirements of section C of resolution 687 (1991). We are ready to start serious and extensive work to address the biological file in order to close it within a short time.

As regards this file, about which the Special Commission talks a great deal, raises doubts and makes accusations, we should like to stress three basic facts:

1. All the biological agents in Iraq's possession, including what was loaded into warheads, have been completely destroyed. The Special Commission, which says that it must verify this, has no concrete evidence to the contrary. Therefore, the verifications of this can be moved to the stage of ongoing monitoring.

2. All the sites, apparatuses and equipment used in the production of the biological agents have been completely destroyed under the supervision of the Special Commission itself.

3. All the sites which the Special Commission considers engaged in biological activity that could be of dual use, and which up to now number 87, are under strict monitoring.

Thus, there is no justification for keeping this file open in the way presented by the Special Commission in its latest report.

The problem existing between us and the Special Commission is that it does not accept our version of the history of this programme. We have stressed to the Special Commission that the programme was not advanced, well organized or continuous, because of inadequate human resources and industrial capabilities. By 1990, it was still immature. This has been confirmed by the international experts, as indicated in annex II to the Commission's latest report (S/1997/774, p. 37).

Iraq is fully confident that the requirements of section C in all areas (missiles, chemical, biological and nuclear) have been fulfilled in a manner sufficient to start the implementation of paragraph 22 of resolution 687 (1991).

Any position contrary to this conclusion is inaccurate scientifically, industrially and operationally. It is also an arbitrary position proceeding from political and not from scientific and objective considerations.

Iraq is ready to continue work with the Special Commission in a serious, scientific, technical and objective manner in order to close all these files in a very short time so that the Council may proceed to implement its obligations towards Iraq under paragraph 22 of resolution 687 (1991).

Iraq is also ready to discuss all the problems related to relations with the Special Commission and its activities inside Iraq in an objective manner with a view to finding appropriate solutions. I have confirmed this in my letter dated 5 October 1997 addressed to the Executive Chairman, Mr. Richard Butler.

For more than six years and a half, the people of Iraq have paid dearly and suffered heavy losses of its resources and industry, and exerted a lot of effort in very difficult circumstances, namely the circumstances of the embargo, which has continued since 6 August 1990. Therefore, the people of Iraq cannot continue suffering this injustice imposed upon it for a very long time. Iraq has fulfilled the obligations imposed on it, and the Security Council should meet its obligations under the resolutions themselves by starting at the earliest date to implement paragraph 22 of resolution 687 (1991). In the event that the imbalance in the situation continues, namely, Iraq continues its compliance but the Security Council does not meet its obligations under the resolutions, the situation will become absolutely unacceptable.

(Signed) Tariq AZIZ
Deputy Prime Minister